

A
L E T T E R

FROM A

M A G I S T R A T E

TO

Mr. WILLIAM ROSE, of Whitehall,

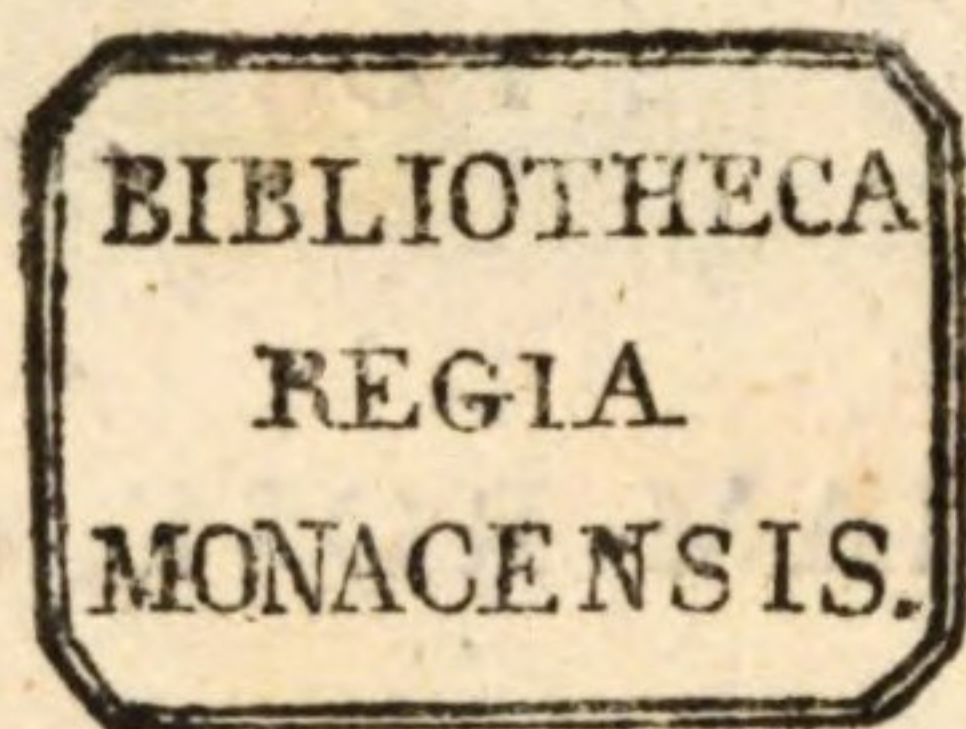
ON

Mr. PAINE's RIGHTS OF MEN.

L O N D O N:

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M D C C X C I.



A
LETTER, &c.

S I R,

HAVING received lately a letter signed by you, desiring me to provide myself forthwith with half a dozen (or such other number as I may judge expedient), of a Pamphlet called the Rights of Man, and desiring that I would circulate it in my neighbourhood for the information of others; and as you were so obliging as to leave it to me what number I would procure, I have purchased ONE, and looked it over with some attention. In return for your civility, in recommend-

ing this publication to my notice, I now send you my thoughts upon it; and, as I have not been able to find you at Whitehall, from whence your letter is dated, I am obliged thus publickly to address my answer to you, concluding that you exist, and if that should not be so, consoling myself with the hopes of rendering some service to others. If I should differ from you in the opinion I have formed on Mr. Paine's Book, and the utility of his doctrines to Englishmen, you are no doubt too liberal to be displeased at my telling you so, especially as I explain the reasons for my dissent.

Since your letter reached me, I have been informed that some Gentlemen, friends, I dare say, like yourself, to Peace, Order, and Liberty, and members of a society in London, for the propagation of Constitutional

tutional information, have undertaken the diffusion of Mr. Paine's valuable communication, as necessary to be read for the happiness and comfort of the lower sort of people in Great Britain.—I sincerely wish these Gentlemen the reward which their pious labours deserve; and, could I confer it on them myself, they should immediately meet their recompence. But, alas! I can only admire such exalted patriotism and benevolence, which leads them to propagate the blessings of Liberty by means so honourable, and at such an expence of their own private fortunes. I do not happen to know the nature of this Society, or where they meet, but I suppose they are of great consequence, as Mr. Paine seems to think that Mr. Burke, in denying and expressing a contempt for their voice in *choosing* a Monarch
for

for these Realms, is thereby guilty of a contempt of the Nation. That their names are concealed from the publick, is a proof of their excessive modesty. — I wish I knew and could record them to their Country, which must be grateful for such uncommon exertions for the safety and happiness of the people of England.

Mr. Paine has employed a large portion of his tract in describing and panegyrising the Revolution in France. With that I shall not meddle, further than by declaring myself a Friend to the suppression of Absolute Power, because the subject would lead me too far, and I think it as premature to pronounce on the stability of their new Constitution until another National Assembly shall be called, and the people shall contribute chearfully to fresh Taxes imposed

posed by such authority, as it is to be satisfied of their pacific intentions towards us until the Harbour of Cherbourg is demolished and the family compact is dissolved.

My sole concern is with Mr. Paine's doctrines relating to the Laws and Constitution of this Country, which I shall not consider with a view to any party in the state, and which I happen to think not quite so just, so useful, and so commendable as you do, being of opinion that there might be some risque in the putting down of the King, the two Houses of Parliament, and the Church. Perhaps, indeed, I may be under the influence of some prejudice, with respect to Mr. Paine, and his kind intentions towards England, from recollecting certain expressions in a letter which he wrote to the Earl of Shelburne, in the year 1783,

from

from Philadelphia. I remember he there says,

“ That a Nation that can, though but for
 “ a moment, think and act as England has
 “ done, can never afterwards be believed or
 “ trusted. There are cases where it is im-
 “ possible to restore character to Life as it
 “ is to recover the Dead.—And Nature
 “ has not left it in our power to say we can
 “ forgive.” —Afterwards, in the same letter,
 he says, “ Must we not look upon you as a
 “ confederated body of faithless, treacherous
 “ men, whose assurances are fraud, and
 “ *their* language deceit? What opinion can
 “ we possibly form of you, but that you
 “ are a lost, abandoned, profligate nation,
 “ who sport even with your own character,
 “ and are to be held by nothing but the
 “ bayonet or the halter?”

There

There are indeed, some people, who carry their difference of opinion with you concerning Mr. Paine's late Work so far as to say that he is a Traitor; and that his not being prosecuted is a sufficient proof of the lenity of our Government, and the freedom of this Country. But these must surely be violent prejudiced persons, and ignorant of the new French Philosophy.

However, as I hear that Mr. Paine is run away, there is no danger of his coming within my jurisdiction, which I am very glad to hear, as I should be at some loss to know how I ought to proceed as a Magistrate on such an occasion.

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Gradus autem plures sunt societatis Hominum.

CICERO DE OFFICIIS.

WHEN I assume no other subject than the defence of a Constitution, which, after having been so long tried and approved in this Country, continues to be the darling of its inhabitants, and the admiration of the world, I flatter myself with hopes that the modesty of my thesis may acquit me of the imputation of arrogance. But, when I reflect on the extent and delicacy of the undertaking, I should lay down the pen, if I could repress my indignation

dignation at the presumption of those, who, professing an utter contempt for the wisdom of all past ages, think themselves entitled to new-model every empire on this globe, before they have learned the first rudiments of government, and the foundations of all Civil Society.

A general condemnation of their principles and reasoning should be preceded by a refutation of them; in which undertaking their evident and intrinsic futility may supply my want of power to set them forth, and expose their true shape and colour; which, however, I will attempt, promising, neither by digression or misrepresentation, to perplex or evade the argument, but in the plainest terms, and in the most perspicuous manner I am able, to sift it from the dross of sophistry, and unfold

the naked truth to the apprehension of the most unexercised and common understanding.

Amongst the publications with which the Press has lately teemed, for the purpose of irritating the people of England against their happy Constitution, Mr. Paine's Pamphlet is an extraordinary instance of an explicit proposal for the subversion of the whole system of Laws, Government, Constitution, and Principles of this nation. Mr. Paine is a native of England, was Secretary for Foreign Affairs to the American Congress during the American war. Since that time, he has resided much in France, and last year came to London, where he has published his wild Miscellanies as an attack on Mr. Burke. But neither Mr. Burke, nor the People of England, were troubling themselves

themselves about the affairs of America * ;
and why Mr. Paine, late Secretary to
 Congress, should trouble himself with
 England, *is a* conduct in which I can see
 neither good manners, good intentions, or
 propriety of any kind.

Why cannot Mr. Paine be satisfied with
 having contributed his share towards ex-
 citing the Colonies of America against his
 and their Mother Country, without pro-
 ceeding to raise discontents, and stir up
 sedition in a land from which he has expa-
 triated himself? Does his benevolence and

* Vide Rights of Man, P. 1. I should not have bor-
 rowed this piece of Syntax, if I had not perceived that
 Mr. Paine was particularly attentive to Grammar.—In
 P. 93, he says, “ The American Constitutions were to li-
 berty what a grammar is to language, they decline its
 parts of speech, and practically construct them into
 Syntax.”

philantropy

philantropy prompt him to consult the happiness of those who were formerly his countrymen, by instigating them against their government? Or, is he, envious of the prosperity of this island, mortified that she has survived the loss of her Colonies, repining at her domestic tranquillity, and exasperated to find that there is too much *common sense* in the People of England, to flatter him with any hopes that they will throw off the blessings of a free Constitution?

That Great Britain now enjoys *such* a Constitution (though Mr. Paine amuses himself with a comical conceit that there is no Constitution at all), its inhabitants are proud to own, and, in this country, they will not lightly be induced to exchange the substantial broad-cloth of durable and well wrought

wrought liberty, and to cast away the warm home-spun garment of sound laws, as a load and incumbrance to them in the pursuit of the gaudy tiffue and cobweb texture of French Philosophy.

The nature, the doctrine, and the object of this French Philosophy, as applied to the destruction and the formation of governments, is avowed by Mr. Paine without disguise. He has re-published The Declaration of the Rights of Man, by the National Assembly, in Seventeen Articles, all of which, he says, are comprehended in the three first. But the first alone is that whereon the whole is built, namely, that
 “ Men are born and always continue free
 “ and equal in respect of their rights.
 “ Civil distinctions, therefore, can be found-
 “ ed only on public utility.”

When

When a maxim is laid down as the foundation of all human government, it is fit that there should be no ambiguity in it, that it should not be capable of various interpretations, and that the terms in which it is conveyed should be such as no plain man can misunderstand. Take then this part of the proposition, “Men are born and continue equal in respect of their rights.”—Let me now suppose (and in the second article it is so stated), that Property is one of those rights. Are men born, and must they continue equal in respect of their property? This will not be avowed as yet—The world is not yet so mad as to endure the assertion of such an absurdity---Property is in its nature changeable, and must vary according to the industry or idleness of individuals, the parsimony or extravagance
of

of its owners.---And, as the proposition concerns the rights to which men are *born*, they must either be born to *unequal* rights of property (as their ancestors will either have amassed or dissipated their wealth), or else all succession to property must be abolished, and none be entitled by birth to any property at all. Gross and ridiculous as this maxim is, when applied to property, I ask, whether the words do not import it? and whether ordinary persons may not so understand its meaning? There can be no doubt, but that all who would be gainers by an equal distribution of property, would be inclined to such a construction of the phrase, *Dolus versatur in generalibus*. The latitude of the expression renders its meaning equivocal, and if it is interpreted in that sense, all property

is unhinged, the strongest bond of Society is loosened, and confusion must ensue.

But it will be said, that nothing more is intended by this declaration, than that Men are *born equal in respect to the Rights which they are severally entitled to*; that is, supposing them to have certain Rights by birth, each man is equally to hold, maintain, and enjoy securely his rights. In this sense the proposition is perfectly true: and it is the sole business and purpose of Laws to protect such Rights, and render them equal in respect to their security. All who are subject to the Laws of any community, must be so without respect to persons, and all are bound to obey those Laws so long as they subsist, without presuming to set up their judgment,

ment, as to the analogy of those Laws, to any favourite principle of their own, for such principles are but their own opinions; and if each man was to measure his obedience to each law, by his conceptions of the consistency of that law, with some principle in his mind, each man would be his own legislator; or, in other words, there would be no such thing as law, and Tyranny must take place, which is the immediate consequence of the want of equal law.

The *equality of mankind in respect to their Rights* is effected, brought into practice, and preserved by Civil Society, which requires that there should be equal laws. Civil Society cannot exist but by the previous resignation of natural rights, which are supposed to be brought by the whole

community into one common stock, and again distributed out under certain regulations for the better security of those which are so established. That society is founded on the supposition of pre-existent rights no one can deny: but many are of opinion that no natural rights are retained after entering into society; that they are all, in the first instance, conceded, in order to accomplish a more equal repartition of them by the dispensation of just laws; and that, if any *natural* rights should remain independent of and unnoticed by the institutions of civil society, still that none can exist in contradiction and opposition to the positive injunctions of that community which is founded on the social compact.

But admitting, for the sake of argument, that there can be a case where an
individual

individual shall, by virtue of what he calls his natural rights, be entitled to act in defiance of civil authority, which is the collective voice of society; admitting the Rights of Men in the extent which they are contended for by Mr. Paine, let us examine whether they will answer the purpose which he aims at, or at all contribute to forward the object and design of his publication. His pamphlet is avowedly written to tell the people of Great Britain, that they have a bad Constitution, (or, as he sometimes says, no Constitution, because it is not to be found drawn up on a quarter of a sheet of paper, like the Declaration of the Rights of Man, by the National Assembly of France), and that, from the defects of its origin and theory, it deserves to be totally destroyed. He professes to

mark

mark with precision the different qualities of natural and civil rights, and says*, that

“ The natural rights which he retains are
 “ all those in which the power to execute
 “ is as perfect in the individual as the right
 “ itself. Among this class, as is before-
 “ mentioned, are all the intellectual rights,
 “ or rights of the mind, consequently Re-
 “ ligion is one of those rights. The na-
 “ tural rights, which are not retained, are
 “ all those in which, though the right is
 “ perfect in the individual, the power to
 “ execute them is defective.”

Now, I appeal to Mr. Paine, whether, according to his own definition of these rights, he can maintain that the right of new-modelling a government, on account of its want of theoretic perfection in its

* Page 51.

origin,

origin, is a natural right retained by social man? Is it one “in which the *power* to “execute is as perfect in the individual as the “right itself?” Is it not distinctly and emphatically that right, which, above all others, he has relinquished? Has he not, by *entering into* the social bonds of the community, tied up his hands from attempting to dissolve that union to which he is a party, until the terms of that union are broken, until the contract is violated, until the society which he agreed to is converted, by some extraneous cause, from a support and protection to an oppression and a grievance? Mr. Paine is very kind to his antagonists, by condescending to use the word society, and speak of men entering into it, and to allow that there is any such thing as civil society; for his arguments

ments are frequently adverse to any such supposition, and the main scope and object of them all is to prove, that social man may and should break through his compact whenever, on reflection, he shall think that the dispensation under which he lives is defective in theory, or vitious in its origin. The Constitution of England he wishes to subvert, because it is derived, not from natural right, but from a natural son, from William the Conqueror, and because he thinks the Representation of the People inadequate. I shall not here discuss either of these topics further than by observing, that neither this theory of representation, supposing it to be faulty, nor this historical origin, granting it to have commenced in power *over* the people, have occasioned, or are contended to have occasioned, such evils

evils to the community, as to justify the demolition of its whole fabric.

Judge of the tree by its fruits, and not by its root. What more uncouth, more offensive to the sight, or touch, than the livid, prickly stem of the pine-apple? Yet is the fruit delicious. What more liberal, humane, free, generous, and just, than the government of this island, though sprung from the feudal system? Without much knowledge of the nature of feudal tenures, a very superficial writer may venture to call the feudal system an establishment of tyranny. He may be historian enough to know that William the Conqueror was a bastard, and lawyer enough to know that lands were held by military services, and that charters were granted by the kings. But he must, indeed, be a very

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ignorant

ignorant author, who does not know that, in the government of states, in the framing of laws, in the distribution of property, and in the regulation of manners, many of the finest institutions, the nicest systems, the most just counterpoises, and civilized improvements, owe their existence to the most homely and unphilosophic origin. England is an illustrious example of a country enjoying freedom and wealth, flourishing in commerce and agriculture, excelling in arts as well as arms, yet deriving its Laws and Constitution from a Gothic ancestry. The coarsest raw materials are worked up into the most exquisite manufactures, and the old hackney comparison of our Constitution to a pair of worsted stockings repeatedly dearned with silk, till they became a pair of silk stockings, motley indeed, but strong and durable,

durable, is by no means inapplicable, or a simile unsuited to the taste of those who seek praise by vulgar allusions, distorted proverbs, unintelligent clamour, and clumsy metaphysics, as incorrect as coarse.

It is a common art with authors who labour to pervert the minds of those who are not much practised in abstract enquiries, to assume the character of plain-spoken matter of fact practical politicians, and to profess to deal merely in downright *common sense*, while they are, at that very moment, broaching some new-fangled, undigested, visionary doctrine, some speculative wild theory, which is calculated to overturn every establishment upon earth. In dealing with these profound philosophers, who have a supreme contempt for the wisdom of past ages, and who have themselves

taken to their studies late in life, and owe nothing to a professional or literary education. It is in vain to have recourse to books or authorities of any sort. Mr. Locke would have no more weight with them than Sir Robert Filmer. Their *illuminated* and *illuminating* minds are inspired with a set of principles by which they are to regenerate all the governments in the world. And therefore I shall talk to these acute but plain-spoken logicians in their own language ; and, as they, in their reasonings to persuade us that our Constitution is ill-modelled, profess to treat us with nothing but hard solid principles and familiar maxims, I will, in return, invite them to a wholesome but a very tough morsel ; it shall be to the discussion of an aphorism, which is become proverbial, “ *That the*
“ *proof*

“ proof of the pudding is in the eating.”

This aphorism, applied to our Constitution, may perhaps make it more palatable to us, but will not sit well on their stomachs, or be easily digested. If they deny that it applies to our Constitution, I then can only appeal to my Countrymen, and ask them, whether they are not thankful for the innumerable blessings of our Constitution, and the impartial administration of justice in this kingdom? Let those who are tired of peace and freedom abjure their country like Mr. Paine, and pursue their democratical visions in the woods of America, or in the clubs of Paris. But let them not return to poison the wholesome air of their native soil with the sickly drugs of false philosophy. Let them not shut the doors of our Houses of Parliament, and,
calling

calling themselves a National Assembly, adjourn to the Tennis-courts. Let them not substitute the lamp-iron in the place of our Commissions of Oyer and Terminer and Goal Delivery. And let them not imprison our King, and allow him to hunt only with the Captain of the Guard in St. James's Park.

On the truth and applicability of the above homely proverb, I am content to rest my argument. To all speculative Theorists, who think that governments should be overturned because they were originally ill constructed, I answer, that the happiness of a community is the first and sole object of its union as such. In Great Britain, that object, as far as the frame of its Constitution affects it, is attained as nearly as can be expected, making proper allowances
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for the imperfection of human institutions. I would here be understood to speak of the state of this country in general for the last century ; for I cannot agree with Sir William Blackstone, that “ in 1679, by
 “ law, as it then stood, the people had as
 “ large a portion of real liberty as is con-
 “ sistent with a state of society.” Neither does he agree with himself : for he owns, that, since that time, “ dangerous branches
 “ of the prerogative have been lopped off,
 “ and the rest more clearly defined.” Within this century, there have certainly been many wars, which are the greatest curse that can fall on man ; but they have been owing principally to the ambition of France, and should not be attributed to the nature of our Constitution. If these levellers of all the kingdoms on the earth could persuade
 me,

me, that, by the adoption of their plans, there should be no more wars, and that property, justice, and order, could be secured by a Democracy, and that such a species of government could be permanent and not fall into the hands of a few artful leaders, a vile oligarchy, and that again into an absolute tyranny, I would not consent to their system of regeneration. But, as I am convinced of the contrary, I can only consider them as desperate empiricks.

Hooker's Ecclesiastical polity begins with observing, that "He that goeth about to
 "persuade a multitude, that they are not
 "so well governed as they ought to be,
 "shall never want attentive and favourable
 "hearers." This, in general, is very true, and for the reasons he gives. On the other hand, publications intended to satisfy
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the people that they are happy, will often at the moment displease them, as their grievances, whether great or small, real or imaginary, are uppermost in their thoughts. These seemingly inconsistent assertions are, however, both true, and can only be accounted for by the irritable jealousy and restless suspicion of the publick in all countries. It is not easy to state the circumstances wherein the felicity of any nation consists, otherwise than by referring to its situation in point of freedom, peace, wealth, industry, population, justice, and order; and, after all, the question must be left rather to the feelings of the people than to the reasoning of politicians. But it may not be so difficult for any one to form an estimate of the prosperity of his country, in a comparative point of view; and I may

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venture

venture to challenge any one to produce an instance of any other nation having enjoyed greater blessings during that period, or of so many millions of inhabitants having, at any other time, for a whole century, been made partakers of a greater portion of the benefits which result from government. But England is not happy. Why? Because Mr. Paine, who deserted and disdains Old England, and is now become an American, tells us, that all governments which are hereditary, and where succession takes place, are arbitrary, and none are free but those which are carried on by election and representation.

Upon what principle is this notion founded? In resorting to first principles we must go further back, *Quæ Naturâ principia sint communitatis & societatis humanæ repetendum*

repetendum altius videtur *. Can the most enlarged spirit of liberty require a broader basis than this, which I am ready to grant, namely, that, each country has a right to such a species of government as they shall chuse to live under, and consent to. Having admitted thus much, I trust that I shall be considered as no niggard in my good wishes towards the establishment of freedom; and I will venture to affirm, that I have taken a much higher principle, drawn more immediately from the fountain and source of all authority, than those who are floundering below in the bogs of limited and unlimited right of election, and of real and virtual representation. They are only questions on the various modes by which the people may chuse to signify their con-

* Cicero de Officiis.

sent. One nation may prefer a more extended, and another a more confined election, and yet each be represented according to the manner which it best approves. Such considerations, therefore, are subordinate ; they are but half way up the hill, from the top of which the springs of freedom flow, and they form a kind of shaking moss, a moving quagmire, in which shallow adventurers are swallowed up and lost.

Nations have a right to be governed as they please. In what case, then, can we truly say, that a nation is so governed ? I answer, Whenever the people, submitting to just and equal laws, are in general, and have long been satisfied, tranquil, furnished with the means of subsistence, and cheerfully contributing their quota to the support
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of the state. This is full and positive proof that the people are so far pleased with the nature of their government, as not to wish for the destruction of its foundations. And the bare acquiescence of a people, for a length of time, is a circumstance which, though it affords not so positive a proof of their approbation as all the others taken together, is yet alone a strong presumption of it. This acquiescence, unfortunately for Mr. Paine's doctrine, formed what he calls the *Old Governments*, against which he particularly inveighs, making their antiquity (which is but, in other words, equivalent to their having met with the sanction of many generations), a reason for their abolition. All former ages, and the writers in this and all other countries, of which we have any record, Philosophers, Historians,

Historians, Legislators, all concur in considering the antiquity of a Constitution as a principal topick in its commendation ; but the enlightened of these days

*Haud equidem credo quia sit divinitus illis
Ingenium aut fato rerum prudentia major.*

have found out that the wisdom of the world is foolishness, that they have themselves engrossed all the light of Heaven, which, by some refraction, not reducible to any system of optics, is brought to a focus where it was least expected.

But the magic lanthorn of this new philosophy will not, I trust, so dazzle the steady minds of Englishmen, as to reverse every object in their sight. What from our childhood we have been used to venerate, we shall not reject merely because it was transmitted to us by our ancestors, and
sealed

sealed with their approbation. Use, habit, authority, custom, precedent, in matters of government, always have had, and ever will have, a powerful influence on the mind of man; and such they ought to have, as they are but synonymous terms, expressive of the continued reverence and concurring sentiments of mankind. Will it here be said, that this argument extends equally to prove, that the worst of tyrannies, provided they are of long establishment, are founded on the opinions of the people? Acquiescence alone I stated as a favourable presumption, and not a proof. No doubt the gloomy shades of tyranny may spread a veil of darkness over the minds of slaves; the silence of fear may be misnamed tranquillity; the dread repose of despotism may assume the title of peaceful unanimity and
 free

free consent. But, let it be remembered, that I mentioned the possession of just and equal laws, and a disposition to contribute to the support of the state, as ingredients in the composition of those circumstances, which amount to perfect evidence, that any nation approves the fundamentals of its Constitution. Neither of those ingredients are to be found in absolute and tyrannical governments. Laws cannot be equal where one man can dispense with or alter them, or infringe them at his will. Nor can taxes be in any degree voluntary where the people have no share in the Legislature. Tyranny, therefore, never can be supported on the ground of public approval.

It may be proper now to observe what are the consequences to which the liberal and extended principle which I have adopted
may

may lead—That nations have a right to such a Constitution as they desire. In the first place, it puts an end to Mr. Paine's idle and arbitrary division of all governments into such as are free, because they are built on Election and Representation; and such as are not so, because they allow of hereditary rights and succession. For, if nations chuse to live under an hereditary government, what principle of liberty shall controul their will? They have as good a right to their Hereditary Monarchy and Hereditary Peers as any democratical state has to the confusion of its popular councils. Let the genius of the country, the propensities of its inhabitants prevail, these will arise, from various sources, and be influenced by a multitude both of natural and accidental causes, which need not to be enu-

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merated,

merated, but which obviously tend to diversify the inclination, bent, and temper of the several communities of the world. The situation of one people, the disposition of another, and the habits of a third, may operate on each of them to prefer a different species of government, either Limited Monarchy, Aristocracy, or Democracy, each or all of them variously modified, and with a mixture of more or less of each ingredient. This liberal principle also precludes any reasoner on the rights of mankind from insisting that any one thing is necessarily to be excluded by those who are concerned in the formation of a Government, excepting so far as it militates against this great maxim itself, or is inconsistent with the eternal and universal rules of moral rectitude. I have already said that absolute Monarchy (by which

which I mean a power vested in one man superior to the Laws), is repugnant to this principle, because it is absurd to suppose that mankind should consent to be ruled by the caprice of an individual, that being so uncertain as scarcely to deserve the name of a government at all, therefore consent to tyranny is not to be *supposed*, for it is upon the *supposition* of consent that we must proceed, the *actual* consent not being to be obtained but by collecting the individuals and finding the opinion of the majority.

An actual assemblage, or poll of the people, can only (if at all), take place on the formation of a Constitution. Hume, in his Essay on the Original Contract, says,
 “ Reason, History, and Experience, shew
 “ us that all political societies have had
 “ an origin much less accurate and regular;

“ and, were one to choose a period of time
 “ when the people’s consent was least re-
 “ garded in public transactions, it would
 “ be precisely on the establishment of a
 “ new government. In a settled consti-
 “ tution their inclinations are often studied,
 “ but during the fury of revolutions, con-
 “ quests, and public convulsions, military
 “ force, or political craft, usually decides
 “ the controversy.” When a Constitution
 is accomplished, ages succeed, during which
 the exigencies of mankind require an in-
 finite variety of regulations, of amendments,
 of new powers and authorities, to supply
 defects, to correct abuses, which the lapse
 of time inevitably must produce. Then
 questions must arise on the original intention
 of the Founders of the Constitution, in
 order to adapt the new provisions to the
 spirit

spirit of it. This introduces the *supposition* of the original consent to the fundamentals of the government, if the *actual* consents are not handed down by any certain document, or, if no *actual* consent of the whole community was ever taken, which is generally the truth. This *supposition*, then, of the sense of the people, in regard to the kind of government which they prefer, must be drawn from their acquiescence in, and support of it, which is evidence of their approval. No other can indeed be had, unless the old Constitution is done away, and an entire new one is erected; and as that again must grow old, another actual consent will be wanted, and again another, how often I am at a loss to tell, whether every century or every year. If it is imagined that an equal representation will supply

ply the want of a continual reference to the people, I fear the remedy will appear as vague and unattainable as the actual consent ; for nothing will be allowed to be an equal representation short of every person's vote. Men, women, and children, must have a voice, or it will be denied to be an equal election and representation. Why should not the rights of women be secured ? Such will be the claims of these scrupulous speculators, who wish to pass for practical politicians, and who, as Mr. Burke admirably observes, are always at issue with governments, not on a question of abuse, but a question of competency, and a question of title.

Having, I trust, established the right of any nation to maintain a crown descendable in a particular family, and an hereditary
House

House of Lords, if it so pleases, let us observe the extent of the contrary doctrine. Why does not Mr. Paine follow up his argument? For this reason; because he sees the absurdity of the conclusion. He blinks the point, being aware that his objection to succession will extend equally to property. And he knows that men in all countries have still too much regard for their property, and too much affection for their children, not to be desirous of transmitting it to them. Otherwise we should have been told that the rights of men admitted no such limitations of property; that the foolish partiality of a parent to his booby offspring was no reason why his property should descend to his son. That it ought to fall into the state, who should, in their collective capacity (meeting I suppose
for

for that purpose in some large plain) determine who should have it, *detur digniori*. Property was instituted for the public service; why should it be accumulated in one family? Why should not it be equally divided? Men are born equal as to their rights. Such ought to be the reasoning of these fanatics in legislation, if they thought at all of consistency.

In the same manner should they argue on property conveyed by testament. That, as well as inheritable property, should be extinguished. What right have the dead to govern the living? Why should one generation be allowed to regulate the possessions of another? The abolition of these two modes of making title to property, by descent, and by testament, will greatly facilitate the study of the law. Why should
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not these philosophers, who, in the wane of life, have betaken themselves to literature, enter at some of the Inns of Court, and begin the study of the law? The market of Philosophy will every where soon be overstocked; for one man is as competent as another to reason (as they do), on the Rights of Men. The Rights of Men are equal in respect to their understandings, I suppose. Let us, then, like Squire Western in Tom Jones, talk of something that we all understand; let us talk Politicks. Alas! these self-taught Philosophers little know that Politicks, in the large and proper sense of the word, is the deepest and most abstruse science; that *viginti annorum lucubrationes* are hardly sufficient to authorise any man to set up for a teacher in the science of government. I was ever persuaded

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suaded

suaded of the truth of that which Mr.
 Burke has proved from scriptural authority,
 “ That the wisdom of a learned man cometh
 “ by opportunity of leisure, and he that
 “ hath little business shall become wise.
 “ How can he get wisdom that holdeth the
 “ plough, &c. and whose talk is of bul-
 “ locks? So every carpenter and *work-*
 “ *master* that laboureth night and day, &c.”

But now, each man is to become his own
 statesman: You are all of you to fancy
 yourselves judges of an art, the very terms
 of which you never learned; and you are
 all to write books on subjects, of the first
 principles of which you are ignorant;
 and (as Cicero said to Cæcilius), *nec cum*
in eas ingrederis quæ & quantæ sint suspicari
potes.

It

It is now time to examine and confess what new lights the instruction of these philosophers has thrown on our Constitution.

Mr. Paine has discovered that we have no Constitution at all, none, either good, bad, or indifferent. This outrageous paradox he thus endeavours to explain. He says, "a Constitution is not a thing in name only, but in fact. It has not an ideal but a real existence, and, wherever it cannot be produced in a visible form, there is none. A Constitution is a thing antecedent to a government, and a government is only the creature of a Constitution," Afterwards *, he grows so enamoured with this fancy, as to assert, that "a Government, on the principles

* P. 59.

“ on which constitutional governments arise
 “ sing out of society are established, cannot
 “ have the right of altering itself.” Never
 have I yet known any instance of a writer
 taking such pains to expose the grounds of
 his misconception, and to exhibit beyond
 doubt, and beyond retraction, the nakedness
 of an uninformed mind. In what Dictionary
 has Mr. Paine looked for the word
 Constitution? Has he so long ceased to be
 an Englishman, as to have forgot our language?
 What is there in the derivation of
 the word, or in the import, use, and application
 of the term, that should affix to it the standard
 signification which he has arbitrarily, and for the
 first time, adopted? *The* Constitution, according
 to the general sense of the word, as used in
 England, is the very reverse of every thing
 which is here

here predicated concerning Constitutions; and still it is *a* Constitution, and an excellent one. It is not *to be produced in a visible form* undoubtedly. It is not drawn upon half a sheet of paper, in seventeen articles, all of which, according to Mr. Paine, may be reduced to, or are contained in the three first. Nor is it a string of abstract sentences, consisting either of idle truisms, or of propositions so general as to become indefinite, and liable to various interpretations. But the Constitution of England is, that general *result*, that sum total which has been produced by the combination of all those powers and principles which gave birth to the several constituent parts of our government, and which preserve them in due vigour. Definitions are always dangerous, until a better is produced (which
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may easily be given by others), allow me shortly to explain my own. I say, that our Constitution is the *result* of principles and powers, which have produced, and put together, or constituted that entire or aggregate mass of ordinances under which we live. The Constitution does not mean simply the Legislature, which consists of the King, the Peers, and the House of Commons, but of all these, together with our laws and customs, written and unwritten, municipal, civil, ecclesiastical, and maritime. For all these are admissible in various cases, and in their several judicatures are all competent; liable indeed, if they exceed their bounds, to the superintendence and controul of the superior jurisdiction of Westminster Hall, which may interfere by mandamus or prohibition. The cannon law,

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the *corpus juris civilis*, the *lex mercatoria*, and the law of nature and nations, may all be of force in matters where their respective authority is allowed. The Constitution is not to be dated from any particular period. Its best confirmation and establishment was at the Revolution, but that only declared and did not create our rights. It is not to be dated, as Mr. Paine conceives, from William the Conqueror (any more than it is to be set aside because the Conqueror was illegitimate); for very many of our laws and usages are of Saxon origin, and some are of still higher antiquity. These laws, the legislative, and the executive power, all co-operating, as they now exist, improved, digested, explained, and understood, is what we call our Constitution. Therefore it is, that we often speak of the principles of
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of our Constitution, by which we mean the spirit and intention of those who first framed, or have since amended our Constitution, as well as of those who have acquiesced in and approved of it. This spirit, or these principles, are to be found, not in a sheet of paper, or in a book, or in any one act of the parliament, or any act, or instrument *antecedent* to the existence of parliament, but in the tenor and purview of the whole system, in the analogy and correspondence of its parts. These principles are made manifest by the conduct and measures of the nation ; by the laws which it enacts, or rejects ; by the acts of government which it supports, or resists ; and by the declarations and recorded opinions of great statesmen and approved patriots, *sic fortis Etruria crevit scilicet et rerum facta est*

est pulcherrima. The Constitution is that which is effected by these principles. But, as I mean not to dispute upon etymology, and the signification of words, but on things, I must suppose Mr. Paine to mean the *principles* of the Constitution; and I have stated the manner in which these principles appear and are collected, from which it is manifest, that Mr. Burke cannot produce the English Constitution, which he is called upon to do by Mr. Paine, who avers that, if Mr. Burke cannot produce the English Constitution, it does not exist, and we have one to form. Did any man in England ever understand the common phrase of the principles of the Constitution in the sense that Mr. Paine does? But Mr. Paine may say, if I am mistaken in the meaning of the word Constitution, and, if the

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expression

expression of the principles of the Constitution does not imply what I suppose, still it should do so. The principles of the Constitution ought to be such as I describe, or else I contend that they are nothing. Are they then nothing, unless they are drawn up into "a body of elements, to which you can refer and quote, article by article." And is that circumstance to make them irrevocable by posterity? Such narrow notions may apply very well to the institution of a club or meeting-house, but, to the formation of a great empire, they are as ill-suited as a democracy is to the carrying on of its government.

Not only is our Constitution unwritten, but England has not even left her municipal law to such narrow and inconvenient limits. Does the law consist of acts of parliament alone?

No :

No : the unwritten, the common law of England, is the most ample, salutary, and favourite part of our law ; yet it is not reducible to a bare statement of articles, or to any number of dry substantive propositions ; it exists in the memory of the judges ; its outlines and general principles are written on the hearts of the people. It is to be studied in the volumes of those great and profound sages, who addicted their whole lives to the investigation of it. It is exemplified and drawn into daily use by the practice of all our courts ; it is consecrated and adored by those who live under its dispensation, and who, with one voice, cry out, *Nolumus Leges Angliæ mutari*. This common law Mr. Paine, who no longer considers himself as an Englishman, wishes to pull down, together with the Constitution.

If I were called upon to say what principally, above all other things, has been conducive to the preservation of our liberties, I should not hesitate to declare, that the very circumstance of our having no fixed set of propositions, by the letter of which our parliaments are tied down to act in any particular mode, is that to which we owe the blessings of freedom. I do not say, that it is the single circumstance, or mean to detract from the benefit of many excellent institutions, such as our juries, or to depreciate the importance of many salutary maxims, such as the strict construction of criminal laws.

A general spirit of liberty pervades the whole frame and system of a free people; to that spirit free states owe their existence

as such, though, they may sometimes owe their origin to less generous causes. But their origin is immaterial, provided they are free, and they will remain so, as long as the guardians of their rights shall appeal to that spirit in their legislative assemblies, and the people shall be inclined to listen to their admonitions. This liberal spirit, these large undefined and uncircumscribed principles, operate to restrain the legislature from enacting laws that are oppressive in their effects, or dangerous in their consequences or example; they also controul the executive power and curb its tendency to violent exertions of authority; and, by the continual recourse which is had to them, the repeated discussion, and the luminous explanation of them by the eloquence of our countrymen, they serve as a constant check
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to the growth of abuse; they repair the dilapidations of time; they square and adapt the measures of the day, as well as the ancient institutions and laws of our country, to the varying exigencies of successive generations; they prop the system of our government, and harmonize its whole machine. Thus it is that this spirit animates, fosters, and preserves our Constitution, which, like that its tutelary genius, is neither visible or tangible; and when Mr. Paine says, produce to me the English Constitution, he makes a more unreasonable request than the Frenchman who desired the person who sat next him at the Opera to explain the Constitution of England between the acts.

Assuming, then, from these premises, that we have a Constitution, which is as undeniable *in common sense* as that we have a king,
a House

a House of Lords, or a House of Commons, I shall proceed to enquire into the mighty discoveries which Mr. Paine has made relative to it. This gentleman adopts a mode of expression which seems to be dictated either by extreme presumption or excessive diffidence. He often repeats the phrase *What is called*—*What is called* the Crown, *what is called* the Succession, *what is called* the House of Peers. Does he mean to speak of them with contempt? Does he mean to insinuate that they are not *what they are called*? that the Crown is not really such (does he wish it to be more real)? that the succession and the peers are not established by law? If he does, it is presumption indeed, and *treasonable*. If that is not his meaning, his use of the expression must arise from diffidence, from an ignorance of
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the nature of these parts of the Constitution, and a proper sense of his own inability to tell you *what they are*, which makes him content himself with telling *what they are called*. But it is not worth while to discuss whether this mode of speech proceeds from presumption or diffidence, whether it is the effect of ignorance, or an attempt at wit. Thus much, however, is clear, that he has displayed an utter misapprehension of the nature and purpose of each constituent part of our Government. Beginning with the Crown, which he is pleased to call a *Metaphor**, (with what propriety of language the Dictionary will say). He asks whether, “is it a thing, or is it a name, or “is it a fraud? Is it a thing necessary to a

* Johnson's Dictionary. Metaphor. The application of a word to an use, to which, in its original import, it cannot be put.

nation?

nation? If it is, in what does that necessity consist? What service does it perform? What is its business, and what are its merits?"—And in another place he asks, whether it is worth 900,000*l. per annum*. These ingenious questions are to stand in the place of arguments to prove that the world has hitherto been deceived in supposing that any advantages are derived from monarchical government. If the opinions of mankind are to be changed, and the world regenerated by such interrogations as these, though I cannot admire the logic of the writer, I must admit, in this instance, the power of his oratory; it is levelled at the hearts of men; or, which is synonymous, their purses. That such a monarchy as is now suffered to remain in France can be worth 900,000*l. per annum*

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I will

I will not aver, for a monarchy without any share in the legislature, or with only a suspensive veto, and stripped also of the executive power, is worth very little indeed. A King who cannot make war and peace; who is obliged to lay almost all matters of executive government before a legislative assembly for their determination, can have little more left for his care and management than the military force of the country. He is reduced to a commander in chief of the army; and in the execution of that office the same arguments may soon be employed to controul his conduct and divest him of his power; for it may easily be said that the Rights of Men, in a business that concerns them so nearly, namely, the preservation of the lives of a whole army, entitle them to a voice in deliberating

ing whether they should attack the enemy; whether they should advance or retreat, and in what manner, and at what time.

Is monarchy worth 900,000*l. per annum*? I answer Yes, most undoubtedly; as a part of our Constitution it is invaluable; and if the Crown were abolished, whatever Government succeeded, would drain the pockets of the country with more oppression, and less remorse. A limited monarch, who is the supreme executive magistrate, and who constitutes a part of the legislature, and is subservient to the law of the land, is the Key-stone of the arch*, which is, indeed, the most elevated, the most expensive, and most weighty stone in the

* Not necessary in Iron bridges, such as Mr. Paine is building at Paddington.

bridge, yet its weight and pressure serves to strengthen, bind, unite, and incorporate all the rest into one firm, compact, and solid mass. But as Mr. Paine hates a metaphor, though he does not know what it is, I will in plain English tell Mr. Paine that the office of King is no sinecure ; that the general superintendance of the State in respect to foreign and domestic concerns is not consistent with that total indolence and apathy in which he supposes the Crown to be involved.—*Ea cura quietos sollicitet ?* Yes, day and night uneasy lies the head that wears a crown.—Shall I be considered as avoiding the argument in this place, if I decline to tire and insult the Reader with a catalogue of the duties and functions which are expected from the Crown. A treatise on the utility of monarchy

narchy in the year 1791 would come rather late after so many volumes have been written ; and as I have nothing new to observe, I shall be satisfied with remarking, that Mr. Paine appears to be in the same predicament, and nothing being advanced by him, no answer is wanted. Yet I am tempted just to observe, that, notwithstanding the pretended natural equality of mankind, of which Mr. Paine is so fond, and the unnatural state of society which he supposes a monarchical government to exhibit, monarchy has its foundation in nature, and was undoubtedly the earliest institution, the patriarchal (from whence it has been derived) alone excepted. For when protection began to be wanted by the many against the few, who by accumulated wealth acquired

power

power which they exercised with oppression, it was to the wisdom and valour of some one person that the multitude had recourse, subjecting themselves to his superior judgment, in order to regain that equal liberty which had been violated. This reason is finely urged by Tully in his Offices, where he makes the same cause operate to the institution of monarchy and the first framing of laws : *Mihi quidem non apud Medos solum sed etiam apud majores nostros justitiæ fruendæ causâ videntur olim bene morati Reges constituti. Nam cum premeretur inops multitudo ab iis qui majores opes habebant, ad unum aliquem confugiebant virtute præstantem, qui cum probiberet injuriâ tenniores, æquitate constituiendâ, summos cum infimis pari jure retinebat; eademque constituendarum legum fuit causa, quæ Regum.*

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The want of any novelty in Mr. Paine's arguments, may serve me also as an excuse for not going into a detailed discussion of the other parts of the Constitution ; for he attacks them all, King, Lords, and Commons.—But not one ray of light has fallen from this luminary ; nothing has been placed in a new point of view. The old hackneyed, confuted, worn-out objections which were extracted from the republican writers by the American pamphleteers, are by Mr. Paine hashed up again with the aid of a little French cookery manqué, which is the worst of all mixtures. What has he told us ? That wisdom, and knowledge of the law, are not hereditary, and that therefore the legislative and judicial capacity of the Peers is absurd.—Is he really so uninformed of these common to-

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pics as not to know that all disputants admit that Peers are not born with peculiar talents for legislation, or great knowledge of an abstruse science; but that their great property, and the very circumstance of their hereditary succession, gives them such an interest in the welfare of their country, as renders it wise to invest them with a share in the legislature, and empower them to sit in the seat of judgment.

There is no reason (as Mr. Paine seems to imagine) in the nature of things, arguing from the constant intermarriages of the nobility, that their intellects should be inferior to those of other people. The fact is not true, relative to their confining themselves in marriage to particular classes in this country, and if it were, I believe it would not be easy to prove that any such
consequence

consequence must be the result. His demonstrations would fail in natural philosophy, as much as his logic in political.—But it is certain, that those who are born to great possessions, titles, and political stations, will be educated in a liberal manner, and receive instruction in their youth, which will prevent their wandering in their old age in a labyrinth of error; destitute of the first principles of political and civil society. They will not in consequence of their *nick-names* of duke, &c. &c. be despised by their countrymen—and when Mr. Paine says, he cannot connect any certain idea with the words Count, &c. &c. he must fancy himself still in France, where it might be more truly said. But in England, our titles are not empty names, descriptive of nothing real; for they

import no less than, that the person so distinguished has a share in the legislature. Aristocracy therefore, notwithstanding Mr. Paine's poignant wit, who in a vein of true humour, and pure attic salt, tells us, *that nobility means no-ability*, will not in England be (as Mr. Paine says it is in all countries) either dreaded *as a lion*, or jeered at *as an ass*. If Aristocracy should be able to stand the battery of such wit as this, I am confident that it may remain as a part of our legislature, in spite of any serious argument. For nothing has been urged by Mr. Paine, to disprove its utility as a balance between the King and the Commons. When I say balance, I do not mean that Aristocracy is to be set in opposition to the other powers of our Constitution, or to operate by dividing and
separating

separating them, or by thwarting, frustrating, or impeding their proceedings, but by drawing them into a closer connection, blending and harmonizing their interests, reconciling, mediating, and by its influence directing the efficacy of the united branches of the Constitution.

Mr. Paine having dispatched Monarchy and Aristocracy, by asking what use they are of, proceeds to make as quick work with the Democratic part of our Constitution. And the new topic that he has brought forward on this head, is, the imperfect system of Representation which prevails, according to his opinion, in England. Old Sarum sends two members, and Manchester sends none. This is a shrewd discovery, indeed, and a proof of very deep penetration in the observer. But,

perhaps, he does not know, or else chuses to conceal, that the town of Manchester dreads nothing so much as a participation of that right of election. Birmingham, Leeds, Sheffield, and many towns of the first consideration for trade, deprecate that privilege as destructive of their manufactures. Burgage tenures, however, still remain; and what mischief follows from this unequal representation? This only, that these commercial Towns flourish, and that the Boroughs send members who are the least liable to the influence of the Minister. Under these inequalities, the House of Commons answers the purposes of its design. Practice and experience are safer principles of action, in the management of political societies, than abstract systems, drawn from the natural rights

rights of men. In the year 1783, and for a few years preceding, reformations of our representation, and of the influence of the Crown, were much agitated. I shall, to save myself the trouble of going over the same ground again, and also because I am sure I should not be able to express myself so pertinently, insert an extract from a Dialogue, then published, on the actual State of Parliament.

A. "The defects which have grown through lapse of time call aloud for a more equal representation,

B. That is the word of the day. But the defects in our Constitution, if they are such, are not so much grown out of the lapse of time, but are owing to the original frame of that assembly, which never had an idea of an equal actual representation

tion as its object. To infuse into it a principle so opposite to its institution, the whole mass must be melted down and new modelled. Whether in such a renovation the new principle could be adopted in any satisfactory degree ; or if it were, whether it would produce advantages by any means equivalent to the almost insuperable difficulties that oppose it, would carry me into a wide field. I would only say, that the inconveniences would be immediate and palpable ; the practical advantages doubtful, at least, and problematical : in which case arguments of theory can weigh with me but little. A man will be hardly tempted to run the risque of pulling a warm house about his ears, only to render the front of it somewhat more regular.

A. Giving

A. Giving to the people at large the right of electing their representatives, seems to me to be something more essential than mere symmetry. Whilst it renders the system infinitely more consonant to the principles of theory, it promises the greatest improvement in practice that a free government is capable of.

B. Were equal actual representation ever so expedient, I am convinced it is impracticable upon any but the smallest scale; which is a sufficient answer to so visionary an idea. But were it otherwise, is it quite sure that such elections would be uninfluenced? Did the increase of the citizens of Rome secure them from all influence, and confirm the freedom of the republic? If the influence of moderate ambition in wise and good men should be extinguished
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by such scenes of tumult and outrage, is it certain that the unbounded ambition of bad citizens would not infuse an influence into such meetings which might tend, through anarchy, to despotism? The passions of the uninformed multitude may be practised upon to purposes however violent and depraved; but what appeal can be made to their reason beyond their competence, beyond their feelings? Can the peasant who holds the plough, or the mechanic who lays down the tool, have judgment to decide between the political merits of two candidates? But let a candidate appear who shall ask their instructions, whether taxes shall be repealed upon all the necessaries of life? Whether they chuse to pay the interest to public creditors upon their malt, their beer, their
soap

soap and candles, their cottages and window lights? If they hear a proposition of lowering rents, abolishing tithes, plundering granaries, destroying inclosures, and pulling down turnpikes, such arguments they will understand; such a candidate will be borne on their shoulders, and his opponents be trodden under feet. Till man ceases to be a creature of interest and passion, influence cannot be excluded from an assembly of men. The supposition is as ridiculous as the attempt would be pernicious. If, then, influence of some kind will govern the electors and the elected, it remains only to determine what kind of influence is safest for the good of the community, and what kind actually prevails in the House of Commons."

Thus far I have availed myself of the

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arguments

arguments of the Author of the Dialogue on the actual State of Parliament ; which brings us to the consideration of a topic, which Mr. Paine treats, as usual, with unintelligent arrogance ; and, triumphantly begging the question, asserts that England is governed by principles which it is ashamed to avow—mere bribery and corruption.

Here I must observe, that while Mr. Paine is avoiding the discussion of the point, he accuses others of keeping it out of sight. But I shall neither be afraid or ashamed to maintain that ostensible influence is, and ought to be, the principal instrument in the carrying on a free government, unless perfect virtue can be expected in a democracy ; for, excepting such theoretic perfection, and influence, I know

no

no other instrument but force—which is tyranny. If, therefore, we cannot place our reliance on pure disinterested patriotism alone, we must avail ourselves of influence; and is not the government further removed from tyranny in proportion as it is obliged to conciliate the minds of the subject? Character and property add weight, and give respect and energy to office; and while gentlemen of fortune and principle accept public offices, I shall never call that which I think honourable by the vile name of corruption. Such men are ready to lay down their offices rather than to support measures irreconcilable to their principles. Whole parties in the state act thus, and often, by the ignorant and ungrateful multitude, are on that account called factions. I deny that I have here

avoided the question ; but I assert that Mr. Paine has fled from it. He has shrunk from the consideration of the true point, which is—whether (a government by force being of course inadmissible) the alternative does not consist in adopting either a system of conciliation, gratification, and influence, or a system of visionary perfection, and Utopian futility.

I am no advocate for a slavish and mercenary House of Commons; but I am ready to profess myself a friend to influence. The ideas are perfectly distinct and separate ; so much so, that when influence and corruption are confounded one with another, and used as synonymous expressions, I cannot give credit to mankind for such a degree of stupidity, as to believe them unable, and therefore must suppose
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them unwilling, to discern the difference. Very slender faculties are sufficient to distinguish between an absolute resignation of all conscience and judgment into the hands of a Minister, and an attachment to the cause of government; between clandestine bribery, and the public acceptance of beneficial employments. That influence, to a certain degree, and under proper limitation, ought to exist, was admitted fairly by those who argued for its diminution; they uniformly stated that the Crown had *too much* influence. Their arguments all went to shew an approbation of it, if kept within proper bounds; they recognised and justified it as a principle of Whiggism. Even Mr. Hume, who has sometimes been supposed to be no great favourer of those principles, has directly

opposed

opposed and answered the position in Lord Bolingbroke's *Dissertation on Parties*; "That the dependence of Parliament, in every degree, is an infringement of British liberty." Mr. Hume thinks, that it would have been more prudent in the management of the argument, for the country party of that time to have made some concessions, and to have only examined what was the proper degree of this dependence, beyond which it became dangerous to liberty. He argues the necessity of influence, from the danger which would arise to our Constitution from the excess of power entrusted to the House of Commons. His opinion is, that, in a mixed government, where the authority is so distributed, that one rank, whenever it pleased, might swallow up all the rest,

and

and engrofs the whole power, the natural ambition of mankind would induce that order of men, of whom this rank is composed, to usurp on every other order, and render itself absolute and uncontrollable: that the share of power allotted to the House of Commons is so great, that it might wrest from the Crown every power which the Constitution has given it, one after another; and that the only reason why the House of Commons does not stretch its power is, because such an usurpation would be contrary to the interest of the majority of its members. The interest of the body is restrained by the interest of individuals; and, therefore, Mr. Hume thinks, that some degree of influence is inseparable from our mixed government, and necessary for its preservation.

It

It is exceedingly difficult, not only to ascertain the degree which ought to exist, and fix the proper medium, but also to find words to describe the nature of influence precisely, though it is very easy to distinguish it from corruption. It arises from the patronage which necessarily resides in the Crown, which cannot be taken from it without abolishing the functions of a supreme executive magistrate, and destroying the office of King. This patronage was not originally given for the purpose of creating an influence in the legislature; but that influence was an unavoidable, and, as we have seen, a beneficial consequence of it. In strict theory it is said by some, that the legislature should be subject neither to fears nor hopes; that each individual should vote,

not

not only according to the dictates of his ownconscience (which no one can dispute), but according to an opinion which he shall be bound to form on each question, however suddenly that question may be propounded, however incompetent he may feel to give any judgment on the subject, and without any deference to the abilities, experience, information, or official situation of others. Will any honest man say, that this theory, in all its rigour, can, or ought to be carried into practice? If I were to argue on a supposition of perfection in mankind, I should say, that no government at all is necessary; we should neither stand in need of a King, a Parliament, or any Laws. But can any one be so ignorant, as to think absolute purity attainable in the dispensation of any hu-

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man institution ; as not to know, that there are inherent in the mind, passions, prejudices, and motives of conduct, which ought ever to be counteracted? If it were only the envy of the world, and that propensity which we see in men to resist those who are put in authority over them, we should find it very necessary to put some weight in the opposite scale. No man who has studied mankind, or attended to the nature of government, can honestly say, that he thinks our constitution a practicable system, without any mixture of influence ; and whatever invidious appellations we give it, or in however odious a light it may be represented, as depriving the people of their share in the Government, and defeating the purpose of representation ; however plausibly it may be

stated

stated to the illiterate as a solecism in Government ; yet all men of learning or good sense see and confess its utility, and know, that in many States, whose Constitutions have been less complicated than ours, and even in our own country, instances are to be found of much more striking solecisms. But though in all mixed Governments, there will be strange contrarieties and seeming inconsistencies, blended and interwoven in the original frame of their constitution ; though their theories are intricate and perplexed ; yet in practice, mixed Governments are often simple, plain, and manageable. This is, in some measure, the case with our Government, in respect to influence. Though it may seem, at first, to any one unaccustomed to think on such subjects,

to be incompatible with liberty, and tending to undermine the constitution; yet it has been found, that the constitution contains within it correctives of its own abuses, preservatives against the encroachments of its several parts upon each others privileges, as well as upon the liberties of the whole community.

The life-springs of the State arise from the body of the people of England. While that great mass of blood is wholesome and unbroken, it will always have elastic strength enough to throw off any particles of corruption which time may have collected. If influence is

The young disease that must subdue at length,
Grow with our growth, and strengthen with our strength,
it will work its way in the whole mass, and
throughout the whole texture of our blood,

it

it will affect the people at large, and not the Parliament alone—It will not break out in the visible excrescence of ostensible offices and employments—It will operate by the increase of the national debt—The collection of a longer revenue—The jobs and contracts on frequent wars or armaments—The innumerable secret channels of corruption—and above all, by the overwhelming influx of Asiatic wealth—The infusion of these baleful draughts may dissolve the serum of our blood, and terminate in the feverish thirst of incurable dropfy ; as yet I hope the symptoms are remote. The people of this Island are not what Paine calls them, “ a lost, abandoned, profligate nation, who sport even with their own character, and are to be held by nothing but the bayonet

“ onet and the halter.” They are a high-spirited and gallant race, unenervated as yet by corruption, unsophisticated by flimsy French philosophy, renowned abroad, and peaceable at home ; flourishing in arts and commerce, and living under just laws and a free government.

From such a people, and from such a government, Mr. Paine has, as far as in him lies, separated himself ; and not content with reviling and calumniating his native country, and with aiding and abetting her enemies, he returns and trusts himself to the clemency of her laws, and experiencing an unmerited forbearance, exerts such talents as he possesses, to subvert her constitution, and disturb her domestic tranquillity. But fortunately his doctrines are as inapplicable to the
 sentiments

sentiments and genius of the nation, as they are to the nature of things, and to *common sense* ; and the extravagance of his proposition operates like the weakness of his argument, as an antidote to his poison. What is the extent of his modest proposal ? it is only to abolish the Crown, the House of Lords, the Church of England *, and to new model the House of Commons. These are specific, express proposals. But, by necessary interference, others must follow †, for Mr. Paine declares openly

* In respect to the Church of England, that being, as well as the Revolution in France, too copious a subject for the compass of these observations, I shall not at present say any more, than that I consider myself as a perfect friend to toleration, though I am persuaded of the utility of an Established Church, and that I cannot think the Dissenters are in a state of persecution, while they are allowed the profession and exercise of their faith, and while *Solon might certainly sit, in Parliament for Old Sarum.* Vide Sir B. Boothby, 56.

† Page 162.

against

against all mixed governments; he is therefore for a pure democracy; his objection to all mixed governments is, that they destroy responsibility. I beg leave to ask him what can so totally annihilate all responsibility, as an assumption of the executive power by the legislature, as Montesquieu observes? This to all intents and purposes has happened in France. Another proposal of no small consequence must be inferred from his doctrines; for if his conceit be true, that one generation is in no shape whatever to be ruled by a former one, he must mean to propose the abolition of our laws, excepting such as were made by the present generation; and here I must beg leave to ask what is a generation? Many depart this life, and many are born into it daily. Is a law
made

made yesterday not binding on a person who shall be born to-morrow? Mr. Paine says, "every generation is, and must
 " be competent to all the purposes which
 " its occasions require." Must every generation then make all its own laws? if so, it will have little time to do any thing else but make laws. He says, "he is
 " contending for the rights of the *living*,
 " and against their being willed away
 " and controuled and contracted for, by
 " (what he elegantly styles) the *manu-*
 " *script* assumed authority of the dead." Can this *manuscript* authority be any thing but the written law? He is then contending against the statute-law, and means to propose one grand bonfire of all our acts of parliament. Again, he bestows upon us a fine reflection: "those
 N who



“ who have quitted this world, and those
 “ who are not yet arrived at it, are as
 “ remote from each other, as the utmost
 “ stretch of mortal imagination can con-
 “ ceive ; what possible obligation, then,
 “ can exist between them ?” From this
 mode of arguing, there clearly can be no
 obligation on us to pay the interest of the
 national debt. This, and many other as
 ridiculous absurdities would follow from
 his proposition in the latitude with which
 it is expressed. Having boggled and
 blundered round about a meaning for
 some time; after having twisted and turned
 his argument inside outward, from not
 knowing how to handle it ; at length he
 becomes aware of its rottenness, the thread-
 bare texture appears, and the holes and
 patches stare him in the face. He dis-
 covers

covers that all laws are *perpetual* until repealed, otherwise, why are some acts passed as temporary, that is, to expire at some certain future time? and having at last, by beating about the bush, and lashing himself with his own whip, prepared himself for confession, he comes forward and owns (making amende honorable, by flatly contradicting all he had so unqualifiedly said before), “ That although
 “ laws made in one generation, often
 “ continue in force through succeeding
 “ generations, yet that they continue to
 “ derive their force from the consent of
 “ the living.” No doubt they do; but that consent is of course supposed, until the law is repealed, for no *reiterated actual* consent is wanted; if actual consent were necessary, how often must it be repeated?

if acquiescence in an unrepealed law, does not presume the consent of the living ; the living must make their laws daily, or they can have none.

In regard to the perpetual binding authority of laws, I have already said, that all, except temporary laws, are binding until they are repealed, and all may be repealed in all countries, excepting those which the National Assembly in France have taken upon them to fix as irrevocable by any succeeding assembly or any future generation. Posterity, nevertheless, will revoke them or not, as they shall think proper. Much controversy has lately arisen on the obligatory quality of laws on posterity, which I must own (though at the risk of displeasing both sides, which generally happens to those who wish to oblige

oblige both), seems to be a mere dispute on words, and I verily believe, that the principles of some of the disputants who profess their attachment to Whiggism, are the same. I speak not here of Mr. Paine, nor of Dr. Price, nor of Dr. Priestley, or any apostolic missionary of leveling and regenerating principles, I mean of those really enlightened gentlemen, who have hitherto concurred and co-operated in political opinions and measures. If I am told that these authors can only be judged of by the words they use, and that their expressions are adverse to each other on this point; I answer that, from other expressions in their writings, I could shew that they agree. But, as it is not the purpose of these observations, either to defend or to attack any of these

respectable

respectable authors, or to controvert any doctrines, but such as tend to utter confusion, I shall content myself with observing, that all men of *common sense* are agreed in this ; that laws made by competent authority, continue in force until they are repealed by equal authority, or until they become an insupportable grievance, and as such, are put down by the will of the whole community ; which cannot happen but by a general insurrection to abolish the legislature and the government.

The avowal of a few plain principles may not be unnecessary. Government is every where instituted for the good of the community ; the whole and every part of the constitution is a trust from the people, and for their benefit. This trust may be forfeited by misuses.

When

When Governments are incurably vicious, and instead of affording protection and security, are productive of misery alone, mankind ought not to endure the oppression, but to resist and remedy the grievances, by the destruction of such Governments; this right of resistance resides in the community, paramount to all human ordinances; in the exercise of this right, persons will be treated as patriots or rebels, according to their success; resistance is to be considered more as a necessary consequence; as a thing, which in the event, will happen when oppression is insufferable, and which will in that case, both merit and receive applause, than as a substantive, or a constituent part of any actual dispensation; for it takes place only when that dispensation ought no longer

longer to exist. It is not matter of institution; but a remedy to which recourse is had, from the defect, corruption, or abuse of institutions. It is not any residuum of a natural right, left in the hands of a people who have entered into civil society; but it is an original right, antecedent to society, and indefeasible; that is such a right as cannot be given up by any society, even if they were so inclined; it is a contradiction to suppose, that any number of people can resign such right of resistance, for when unforeseen events shall reduce them to such necessity, they still will be justified in recurring to their primitive right. I explain the word *indefeasible*, because few rights are of that nature, though it is an expression too often applied in a very loose manner, by every one
 who

who chuses to complain of any restraint to which he may be subjected by law. His *indefeasible* and natural rights are violated he says, whenever the law imposes any duties or burdens on him which he dislikes.

This doctrine of resistance, which is applicable to every species of government, has been supposed to be infringed by a denial of the truth of three propositions in Dr. Price's Sermon. He tells us from the pulpit, that by the Revolution the people have gained three rights :

1. To choose our Governors.
2. To cashier them for misconduct.
3. To frame a government for ourselves.

These rights were never before so stated, classed, enumerated, or expressed. That the manner of wording these propositions is light, uncouth, flippant, and ill suited to the dignity of the subject, every one

seems to acknowledge. But the important consideration is, whether they are true; and whether, if in one sense they are true, they are not, taken in another sense, and such a one as the words will bear, absolutely false. I admit that King William was chosen *—that King James was expelled. But a new government was not framed for ourselves; inasmuch as the Constitution was not altered; but the true rights of the people were declared, confirmed, and established. Thus stand the facts. Now let us examine whether the words will not bear a sense which falsifies each proposition. What would any plain man conceive to be meant, if he was told that in a certain country the people had

* He was placed on the throne by the Convention Parliament, which was the best representation that could then be procured, and which was established as lawful.

a right to choose their Governors? Would he not suppose that in that country the government was elective? Is England an elective or an hereditary monarchy? Certainly the latter. In the same manner, what would a man of *common sense* understand if he were to read in a collection of travels, that there was an island where the people had a right to cashier their Governors for misconduct, and to frame a government for themselves? Would he not conclude that such a people must be constantly busied in pulling down and building, and consequently have no house at all to live in? Would he not say that it was appointing the Governed to govern the Governors, and reversing the order of things? Would he not suppose that it was intended to be an ordinary practice

and occupation ? Observe the diminutive sense of the words *misconduct* and *cashier* ; the latter is a word chiefly used in military affairs, the breaking of a subaltern officer. And this church militant preacher proceeds to tell you what they are to be cashiered for ; namely, *misconduct*—as slight a word as he could find. Why did he not say for endeavouring to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom ? because these are the words of the Declaration of Rights at our glorious Revolution, which he, by inference, and Paine, in express terms, contemns as in its wane ; and which both really abhor, because they know that it is a permanent system, and solid establishment of civil liberty. I appeal to candour, whether cashiering for misconduct,

and

and framing a new government for ourselves, is an expression which would suggest to the mind of a reasonable man the case of an hereditary line of Kings cut off, and the entire subversion of one Constitution and erection of another on the ground of a breach of the original contract on which government is supposed to be founded? Would it not rather inculcate a notion, that for the most ordinary offence, irregularity, and error in judgment, these proceedings were to be adopted? The expressions, therefore, in their obvious import, and in the sense which would strike a plain man, convey a doctrine which is utterly false, and of a most seditious tendency. But unfortunately these silly, undigested sentences have occasioned differences among real and true friends

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to our glorious Revolution in 1688.—
 But while they are agreed on the doctrine
 of resistance to tyranny, I shall not think
 that they differ upon principles, but upon
 words alone. So long as they unanimously
 concur that *salus populi est suprema lex*, and
 that intolerable oppression is a sufficient
 cause for the alteration of an entire Consti-
 tution, they must think so in respect of each
 part of the Constitution, and consequently
 of the succession of the Crown. I have no
 where read that the succession to the
 Crown is indefeasible; that it cannot be
 altered, if the preservation of our liberties
 require it, or, that Parliament is not com-
 petent to limit or change it. I have read
that by the Revolution, the English nation
most solemnly renounced and abdicated for
themselves and for all their posterity for ever
 a right

a right to *elect* their Kings. And so most certainly they did. But they did not thereby, give up any right, or attempt to bind future Parliaments, or generations; in the absurd sense that Mr. Paine attributes to others. They did not bind themselves (nor could they) not to change the succession to the Crown, if that should become necessary for the safety of the country. When they renounced the right of *electing*; they did no more than establish the Crown in one line, giving it also an inheritable quality, so as that, if it should be found necessary to change that line, it still would retain that quality, and would descend to the heirs of him to whom it should by Parliament be limited. And undoubtedly the persons most instrumental in accomplishing that great benefit

for

for the nation, shewed themselves, both by their expressions and their conduct, extremely anxious to state that the subversion of our fundamental laws, and the danger in which our religion and liberties were involved, were the sole justification of their proceedings. And, although the example is highly beneficial as a memento to Kings, and a lesson, to teach the consequences of attempting to overthrow the rights of a free people; yet the framers of the Revolution were as solicitous, on the other hand, to guard against the improper application of this as a precedent, for the destruction of establishments, without an extreme emergency, or the wanton alteration of the hereditary succession, or, any other part of the Constitution, upon speculative fancies, and

wild

wild theories. Ignorant declaimers are apt to speak of advocates for *Hereditary Right*, as if, by such doctrines, they were maintaining principles of arbitrary Government. But Hereditary Right is the law of the land, and the peace and security of the people depends on it. But *indefeasible and divine Hereditary Right*, is quite another thing, and cannot be too much reprobated, or too strongly resisted.

C O N C L U S I O N.

It is very irksome for any one but a youth beginning to study the elements of Government, who sees before him a prospect of flattering hope, a wide field for

P ambition,

ambition, giving ample room and verge enough for the delusions of fancy, and the imaginary pleasures of riches, honours, and authority, to sit down quietly either to read or to write on the foundations of Civil Society. Nothing is more difficult than to enforce and elucidate intuitive truths; the discussion of self-evident propositions is disgusting. But when these are controverted and denied; when experience is wholly cast aside; when learning is deemed matter of reproach, and the natural lights of uninformed men set up as the only sure test and guide, in the practical arrangement of the most complex and multifarious concern, it becomes necessary to resist the perversion of all human reason, and to say a word in favour of

common

common sense and the right-angled character of man*.

Mr. Paine, however, does not always speak so highly in favour of ignorance. He tells us†, that, “*ignorance is of a peculiar nature; once dispelled, and it is impossible to re-establish it.*” I wish the same could be said of sophistry. But, alas, *expellas furcâ tamen usque recurret.* In the same passage, he treats us with a definition of ignorance, and says, “*It is not originally a thing of itself, but is only the absence of knowledge.*” Let Aristotle, and our English Hermes, Burgerſdicius, and Watts, Malebranche, and Locke, and all the logicians of present and past ages, hide their diminished heads. I defy

* For this trope, or figure of speech, Vid. Paine, p. 85. Mr. Paine hates metaphors, and I think he had better avoid them.

† Page 128.

them all to produce so indisputable a definition.—I own, I was astonished when I saw it.—Mr. Paine says, “That wise
 “men are astonished at foolish things, and
 “other people at wise ones.”—I care not in which class Mr. Paine may place me, but I am astonished at the depth of his philosophy, or, if it may be so called, his *common sense*. I shall not here investigate the nature and causes of ignorance, folly, and nonsense, or write a dissertation, like Fielding, on nothing. But all these become important, and the latter changes its nature and becomes a reality, whenever it is adopted by numbers, and is thought to be *something*. Whatever is assumed as a principle of action, however absurd in itself, from that moment is of serious concern, and
affects

affects the happiness of mankind. It is therefore of infinite consequence that maxims should not be disseminated, which are either false in every, or even in any sense. Doctrines on which men are called upon to act should be clear, and not liable to misconstruction. It should not be said generally, that we have a right to *choose* our governors, for such an unqualified assertion supposes our monarchy to be elective. It should not be said that we may *cashier* our governors for *misconduct*, for that implies that our Kings may be dethroned for any misdemeanour. It should not be said that one generation cannot bind another—because, that overturns all our laws, which were made by former generations—and, because it is impossible for each generation to make its
own

own laws, and no one can describe what is meant by a generation. It should not be said that men in virtue of their *natural* rights, may overthrow the governments under which they live, merely to make them more perfect in theory. For that is so far from a natural right, reserved from the compact of society, that it is peculiarly that identical right, which they have most specifically resigned. It should not be said, that all men are born equal, for no two men are : they are not born equal in stature, health, or capacity : neither should it be said that they are born equal, *as to their rights*, because that is an ambiguous phrase, which may by ignorant persons be understood to mean, that all are by birth entitled to an equal share of property, which is inconsistent with the
nature

nature of property. Mr. Paine*, in one place speaks with less disguise, though with as much inconsistency as usual. His words are, "all agree" in establishing one point, *the Unity of Man*," and then, though all agree, he finds it necessary to be explained, and goes on thus: "by which I mean, that men are all of *one degree*, and consequently, that all men are born equal, and with equal natural right, in the same manner as if posterity had been continued by *creation* instead of *generation*, the latter being only the mode by which the former is carried forward, and consequently, every child born into the world must be considered as deriving its existence from God. The world is as

new to him as it was to the first man that existed, and his natural right in it is of the same kind. The Mosaic account of the creation, whether taken as divine authority, or merely historical, is full to this point, *the Unity or Equality of Man*. The expressions admit of no controversy: “ And
 “ God said, Let us make man in our
 “ image. In the image of God created
 “ he him ; male and female created he
 “ them.” The distinction of sexes is pointed out, but no other distinction is even implied. If this be not *divine* authority, it is at least *historical* authority; and shews that the equality of man, so far from being a modern doctrine, is the oldest on record.”

This is, I believe, the only instance of any respect paid by Mr. Paine to the
 antiquity

antiquity of any doctrine, or to the authority of any writer, excepting one, namely, Dr. Price. Moses and Dr. Price are the only two authors he has cited; how the quotation of the former answers his purpose I cannot imagine: “ In the image
 “ of God created he him: male and female
 “ created he them.” What is there in this *historical* authority to denote the equality of men? Nothing more is predicated of the human race, but that they are the image of God, and male and female; and all that he is entitled to infer from this passage is, that all men are equal in point of figure, and that all men are equal to all women. Mr. Paine says, that no other distinction is implied, but the distinction of sexes; so that because all the distinctions which have taken place in civil society,

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are

are not enumerated in the account given by Moses of the first creation of man, it is to be inferred, that those distinctions are repugnant to his original nature. No one has said, that civil society is any other than a system founded on natural rights, an improvement of a state of nature, and consequently, containing many distinctions which did not exist in a state of nature, and which cannot be expected in an account of the creation of the first man and woman.

Being fatigued myself, and having, I doubt not, tired my Reader with stating Mr. Paine's unprincipled wanderings and shallow fallacies, I shall say no more on his insufficiency or presumption, in entering the lists against such a champion as Mr. Burke. It is in high challenges, Paine says, that we must expect high truths ;

truths ; he comes armed in complete
 brass to maintain them ; lift up his vizor,
 and there is not a semblance of reality,
 but all is false and hollow ; close in with
 his argument, and a more recreant knight
 never dared to take up the gauntlet, *ne
 sultor ultra crepidam*. But, unequal as he
 is in challenges on abstract truths, still
 the false philosophy of his politicks may
 serve to confound the reason of a cobbler,
 and therefore it is highly mischievous.
 In Timon of Athens it is said, “ The
 “ devil knew not what he did, when he
 “ made man politic ; he crossed himself
 “ by it, and I cannot think, but in the
 “ end, the villany of man will set him
 “ clear.” What is the purpose of Paine’s
 Book ? Under colour of a Treatise on the
 Rights of Men, to deprive them of every

right that civil society has given to them. His arguments all extend to the equalizing property; it is not primogeniture alone that he opposes, gavel-kind also (a custom by which all persons inherit equally in some parts of England and Wales), would be destroyed, all inheritance, and all power of bequeathing property, and an Agrarian law, or equal distribution of land would be next proposed by him. This equalizing of property puts an end to all industry; cuts off the fruits of increase; robs the fair trader and farmer of the profit of his toil; places the idle and worthless in the seat of the meritorious; and unhinges all society. Neither are such evils brought about, but through the medium, and by the operation of immediate mischief, still more alarming to the present generation

generation (whom Mr. Paine allows to have some concern in the management of the world); I mean, by convulsions, ravages, and massacres. Farewel! a long farewel to England's peace and happiness, if Paine is listened to. He is, perhaps, historian enough to have read Rapin's History of England—Rapin says, that Wat Tyler “marched directly to London, freeing in his route all the prisoners detained in the public gaols; amongst these was a priest of Maidstone, one John Ball, who, by his seditious sermons, raised the people's fury to the utmost height*: He persuaded them, that all men being sons of Adam, there ought to be no distinction, and, consequently, it was their duty to re-

* He preached to the army on this proverbial rhyme.

When Adam dalfe, and Eve span,

Who was then a gentleman?

duce the world to a perfect equality. Pursuant to this maxim, they resolved to dispatch all the nobility, and those that were distinguished by their posts. So, without further consideration, they cut off the heads of all the lords, gentlemen, judges, counsellors, and lawyers, that fell into their hands. In Wat Tyler's conference with the King, he demanded that all the antient laws should be abolished, and the government modelled according to certain fantastical notions framed by himself." The fate of Wat Tyler, who was cut down at the head of his rebellious mob, has endeared the memory of Sir William Walworth, ever since that time, in the hearts of all true Englishmen. I, for one, most devoutly pray, that they may ever retain the same good sentiments and aversion to those

those whose profession it is to foment discord throughout the world; to render the peaceable inhabitants of each country dissatisfied with the Government under which they live; and to travel over the globe, as the champions of sedition, havock, and confusion—as knight errants, in search of a mistress whom they never saw, and never will see, namely, a perfect Government, founded on the equality of mankind; where each individual is to be his own legislator.—Such beautiful theories, are but the mistresses of a deranged imagination, and appear only as visions, to torture the mind with dreams of restless ecstasy. These regenerating politicians remind me always of the Government proposed by Gonzalo in the Tempest:

Had I the planting of this isle, my lord,
And were the king of it; what wou'd I do?

I' th'

I' th' commonwealth, I wou'd, by contraries,
 Execute all—no name of magistrate—
 Letters shou'd not be known—wealth, poverty,
 And use of service, none;—contract, succession,
 None;—no sovereignty.

All things in common nature shou'd produce,
 Without sweat or endeavour—Treason, Felony
 Wou'd I not have—but nature shou'd bring forth,
 Of its own kind, all foyzon, all abundance,
 To feed my innocent people.

Upon the whole, good people of England, let me exhort you to stand by and defend your old *Constitution*, which will secure your *liberties*—As jurymen, punish all libellers, either of the one or the other. As men of sense, despise the wretched ignorance and shallow reasoning of political impostors, and false prophets—As honest men, discountenance the seditious practices and mischievous designs of foreign emissaries and spies—As freemen, know and feel that Mr. Paine's libel goes to the overturning of law, which must end in tyranny—That in every Free State there must, and ought to be, various degrees and orders of men—And that equality is nowhere to be found, except in despotism, where all are equally slaves to one tyrant.

P O S T S C R I P T.

THE preceding remarks on Mr. Paine's Doctrines profess no great respect for them, either as to the good sense which they contain, the learning on which they are founded, the manner in which they are delivered, or the good purposes for which they are produced.

The very reverse of this sentiment I most sincerely entertain towards those truly respectable gentlemen who have lately, by their ingenious writings, cast fresh light on this wide field of controversy. Whenever I am so unfortunate as to disagree with any of them on either side, it is with sincere reluctance and extreme diffidence. I cannot but lament every shade of difference in opinion with those, whose characters, intentions, and understandings I so profoundly revere.

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This consolation, however, still remains ; that they do not appear to me to be at variance on any speculative point, from which practical inferences can be drawn. They differ much on the propriety of certain phrases in the Declaration of Rights, and the Act of Settlement ; and, in the construction of them, they attribute more or less force to the clauses by which the inheritable quality of the Crown is ascertained and fixed. On the one hand, much fear is expressed of a design to render the Monarchy elective ; and, on the other, much jealousy of an indefeasible title (which, however, is strongly disavowed). In respect, also, to the nature and degree of choice, which was exercised by the people in the setting king William on the throne, much controversy has taken place*. One side admitting only “ that there was a *small* “ and *temporary* deviation from the strict order of “ a regular hereditary succession.” And the other †, asserting flatly, “ that king William

* Mr. Burke's Reflexions, &c. 23.

† Sir B. Boothby, p. 76.

“ was elected.” Neither of which expressions are accurate. As king William was not *at all* entitled by descent, the deviation was *total*; and not *temporary*, as it was given to his descendants *for ever* if he should have any. And, as king William was placed on the Throne by the Convention Parliament, the transaction does not correspond to the simple idea of an election; from which bare unqualified term it would be supposed that the people of England had actually assembled for that purpose, and voted who should be king.

These differences, and many others, have arisen between them upon historical doubts, upon the sentiments of the principal actors, the objects which they had in view, the tendency of their expressions, and upon the complexion, colour, and shape of this favourite measure, this idol, which they both admire, though charmed by the attraction of different features, and with whose more concealed and secret beauties both claim a peculiar and intimate acquaintance. Such are the

diversities of taste and opinion, such the various aspects in which they contemplate that great event, from whence we date, and to which we attribute our prosperity, and which, from its importance as an example, cannot be too much discussed and elucidated.

Thus far have they carried their controversies relative to our own Constitution, *quod ad nos attinet et nescire malum est*. But, as to the revolutions of a neighbouring country, the dissensions of these authors are much wider, and their conduct consequently would be more at variance with each other. Thank Heaven, we have no concern with the intestine discord of France. But the true understanding of the principles of our happy Constitution is, indeed, of inestimable consequence; and I repeat, with pleasure, and sincerely rejoice, that these enlightened writers do not disagree on that which is the single principle paramount to all the rest, the doctrine of resistance to oppression. That principle is alone sufficient; it includes all
the

the rest; it asserts our liberties, when they are invaded, and prevents the invasion of them by its frequent and public recognition. No practical inference, therefore, can be drawn from their several constructions, glosses, and comments on the proceedings of 1688. Their principle of action is one and the same, and that their conduct likewise in this country would be so, I cannot doubt. Despotism, from whatever quarter it came, whether from a cruel tyranny, an austere and domineering aristocracy, an usurping jealous oligarchy, or a blind and furious democracy, would alike find them among the foremost in the field to repel injustice and oppression. But they are neither called upon, nor do they attempt, nor ought they to define in what cases such resistance is justifiable. The degree of weight that ought to be borne before the burthen is shaken off, cannot be measured by ounces and scales; when the bucket is full, a few drops will make it overflow. The time when subjects ought to appeal to the last refuge from a desperate

desperate situation will be deemed to be arrived, either sooner or later, by different persons, according to their respective admiration of arbitrary power, popular insurrection, or real civil liberty.

Persuaded as I am, that the principles of these gentlemen, and of all who truly revere the glorious Revolution, are the same as to the great efficient motives of action, and the spirit which should sustain our liberties in life and vigour, it grieves me, from the bottom of my heart, to see them divided and torn asunder by the politicks of other countries, by speculations foreign to any British concern, *aliena negotia*, bearing no analogy to any possible situation of things in this island, tending to shake the basis of its tranquillity by the agitation of needless theories, exciting the illiterate to think, discuss, and write on subjects quite beyond the scope of their faculties, furnishing fuel to the incendiary, and setting afloat the unsettled humours of the land.

There

There are some who treat such sentiments as chimerical and pusillanimous. Sir Brooke Boothby, in his spirited letter to Mr. Burke, arraigning his effeminate timidity in probing the wounds of the state, seems to attribute this excess of caution to his increasing years. But, without having lived to Mr. Burke's age, or during any of the seven interruptions of the hereditary succession, or the four radical and entire changes of religion in three successive reigns, I have been witness to so many and such great revolutions in the affairs of men, *quæque ipse miserrima vidi*, that I have caught the infection, and am as arrant a coward as he is in agitating questions that affect the fundamentals of our Constitution. That the superstructure may be improved, contracted, or enlarged, I admit; what human institution may not require melioration and reformation * ? *ego quidem statuo nihil esse in ullo genere tam pulchrum, quo non pulchrius id sit.* But, when the question is not about the cultivating,

* Cicero Orator.

pruning,

pruning, or lopping the branches, but about removing the soil from the roots, I tremble with Mr. Burke, notwithstanding the assurances of Sir Brooke Boothby *, “ That we have nothing to
 “ fear from wild theory, or treacherous ingenuity,
 “ or the cashierers of kings.” In another place, the same ingenious author tells us, that “ Our
 “ poor little institutions, like our watches, require
 “ to be periodically wound up, and frequently re-
 “ paired.” So little can I agree to this comparison, that I should never have been able to find so apposite an illustration of a very contrary sentiment. Our institutions, like our watches, certainly may want repair. But, in the denial of the former part of the proposition lies the true distinction. Governments are not made only to endure for a certain period, they are, as far as human skill can frame them, calculated for perpetuity, and, if their motions are not obstructed by any extraneous or intrinsic cause, they continue their operation

* P. 34.

from age to age. While the machine is in repair, and performs its functions, it answers the purpose of its construction. This system of periodical winding up, is but another mode of expressing the new-fashioned art of Revolution making, of pulling down, for the sake of change, of preferring conceited theories to approved experience. Neither can my pusillanimous fear of innovation be allayed by Sir Brooke Boothby's opinion. "That
 " speeches and sermons and pamphlets will pro-
 " duce but little effect, except where they find the
 " minds of men pre-disposed and ripe for the
 " subject." If I were desired to state what are the most natural, practicable, ordinary, and obvious means of disseminating dangerous notions and destructive principles, I should answer, *speeches, sermons, and pamphlets*; they are the very tools which serve to *pre-dispose the minds of men*, and make them *ripe* for tumult, sedition, revolt, and pell-mell havock and confusion.

S

Such

Such being the timidity of my disposition, when opposed to a lawless multitude, I can only deprecate all further discussion of foreign broils, of empires levelled with the ground, or lifted to the skies; of fierce contentions in our neighbours land, and troubles not our own. We want not the assistance of the French to dogmatise in our schools. The science of government has been more amply and luminously displayed in our own language. They are children to us in the discipline of that study. They are still engaged in the settling of first principles. Our statesmen set out with supposing as already known those principles which, in the pulpit of the National Assembly, are arrived at by the medium of long didactic discourses. The auditors in our senates are used to a higher seasoned repast, the feast of reason, and the flow of soul. What avails it to Great Britain, so long to have enjoyed a free government, and an unlicensed press, or to the members of her parliaments, to have been in the constant

stant habit of investigating and debating constitutional questions, and of trying every measure by the touchstone of principle, if England is to be sent, in her old age, to learn her Political Grammar from a nation just emerging from the constitutional darkness of many slavish centuries? Just emerging, I say, for the first step towards the light, is by treading on the neck of arbitrary power. Yet is it but one step, between which, and the light of liberty there lies a dreary tedious path through perilous and thorny labyrinths,

————— Where eldest night,
And Chaos, ancestors of *Nature*, hold
Eternal anarchy amidst the noise
Of endless wars, where Chaos umpire sits,
And, by decision more embroils the fray.

Through this sad comfortless region must France travel before she can arrive at the full splendor of truth which shines on us. I say not (neither does Mr. Burke say so, to whom it is imputed by Sir Brooke Boothby *), that France will become ig-

* Sir B. Boothby's Letter, p. 40.

norant, barbarous, and illiberal by gaining freedom. But I assume, and think it a modest postulatam, that she has not all at once surpassed in science the parent of her liberties (which I shall ever maintain Great Britain to have been, however unwilling France may be to own it), and that the first dawn and day-break of political reason cannot illumine France like the meridian sun of English Liberty. In England we have learned, that no true liberty can exist without obedience to law, and without a due preservation of the distinct provinces of the legislative and executive powers. Sir Brooke Boothby, in the advice which he proposes from a Whig counsellor to the king says,
 “ In the excellent * constitution of this kingdom,
 “ it has been carefully provided to separate the
 “ executive from the legislative, because whenever
 “ these two powers come to be held by the same
 “ hands, either directly or indirectly, laws will be

* P. 107.

“ made not for the advantage or security of the
 “ publick, but for the ease or safety or aggran-
 “ disement of the governing power.” What then
 must Sir Brooke Boothby think of the assumption
 of the *executive* power by the National Assembly?
 He cannot mean to maintain that there is, in re-
 ality, a vestige or semblance of regal authority
 left in France. The only consistent opinion that
 remains is, that democracy is fit and proper for
 France, though a limited monarchy is an excellent
 constitution in England, and that the legislative
 and executive may do well in the same hands on
 the other side of the Channel, but not in this
 island.

To keep them distinct, to preserve the Mo-
 narchy and the Laws of England, is the sole
 motive that induced the author of these sheets to
 employ his feeble pen in an attempt first to con-
 fute and to expose the folly, ignorance, and pre-
 sumption of a scandalous libel on our Constitution
 and

and our Country. Secondly, to shew, that a very honourable, worthy, independant, and ingenious Baronet does not differ on the main leading principle of Party in England with the author of that stupendous effort of human genius, entitled, *Reflections on the Revolution in France*. And thirdly, with all due deference, most humbly to entreat, and, with a proper sense of my own weakness and insignificance, to implore those great and exalted characters, who have contracted different opinions on the wisdom and justice of the French Revolution, to abstain from parliamentary discussions of irrelevant matter, and of a sinister tendency ; to reflect on the weight of their own authority, and that, whatever is agitated in Parliament, will, by the publick, be thought to be essential to their interests, and be applied in a grosser manner and more immediately to features in our government, which bear no analogy, and have no correspondence, or relation,

lation, to those which may fall under such consideration. That, however pertinently such topics may be introduced, as affecting the welfare of this country, which must always be more or less concerned in the political situation of a neighbouring people, yet, that the common class of Citizens will not conceive the matter to be of so remote and circuitous an operation, but be led to think that the subject is brought forward as an example, and held out for their instruction and imitation.

This is my last and most fervent prayer to those great men, whose excellent genius, and incomparable talents, I hope, never to see in collision. That they would continue to act as associates, not as antagonists; that they would join their mighty force to prop the good old frame of our Constitution, and preserve the Peace of England. Blessed are the Peace makers. Long may they continue Friends; they neither seek
 confusion,

confusion, they both have the welfare of this
 Country at heart. *Ego vos hortari tantum possum
 ut amicitiam omnibus rebus humanis anteponatis
 nihil est enim tam naturæ aptum tam conveniens ad
 res vel secundas vel adversas.*

F I N I S.

E R R A T A.

Page 32, line 8, dele not.

93, — 6, for longer, read larger.

93, — 12, for cerum, read serum.

102, line last, for misuses, read misuser.

143, line last, after neither, insert of them.

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